

REMARKS

Claims 7-18 remain in the application. All of the claims were finally rejected under Section 102 based on the Hall reference (U.S. 20030208493), even though applicants have already amended the claims to more clearly distinguish over the prior art. The Examiner is again requested to withdraw the rejections in view of the following remarks which point out error in the support of the rejections.

In order to reject the claims it must be demonstrated that every feature presented in the claims can be found in the prior art. In this regard, the Examiner has failed to carry the burden. It is submitted that there is neither anticipation nor obviousness of applicants' claimed subject matter. To more clearly avoid possible ambiguity which led to a non-final rejection based on the Hall reference, the independent claims were amended to expressly recite managing data in a source file of the type from which data may be extracted for use in an application wherein the source file data is described by an extensible markup language.

According to claim 7, which requires "structuring the data in the form of objects, wherein components of the objects can be stored in first files" and "providing a second file having a first mechanism ...for storing and selectively directly accessing the objects ..." there is provided a "hierarchical structuring of object complexes ... among a plurality of files to enable a reading-in tool to pass over or avoid having to read or process portions of the source file data when seeking other portions of the source file data for use in the application."

The final rejection cites numerous passages in the Hall reference, but is it not apparent how the Examiner finds the claimed invention to be present. For example, the feature of claim 7, requiring a "second file having a first mechanism for referencing the components as a higher-order, object-based logical level for storing and selectively directly accessing the objects ..." is supposedly present somewhere in a combination of text at pars. 10, 52, 55, 0068, 0102 and figs 1 – 2. If the Examiner can really find the claimed subject matter therein, then the Examiner must cite the specific passages of relevance. MPEP 707.07(f) provides that the Examiner is to answer the substance of applicant's arguments, and applicants cannot find the claimed feature in the prior art and must rely on the Examiner's guidance to find the subject matter in the same level of detail as set forth in the claim.

Applicants contend that the Hall reference cannot anticipate the claims because there is no showing of each and every claimed feature. Rather, the rejections appear to be based on an assembly of multiple citations none of which (along or together) disclose what is claimed.

As a further example, with regard to claim 7, applicants require that

“the first files and the second file form a hierarchical structure with a distribution of data of objects among the first files to enable a reading-in tool to pass over or avoid having to read or process portions of the source file data when seeking other portions of the source file data for use in the application.”

But this subject matter does not appear in the cited passages of the Hall reference: pars 32-33, 53-55. If the Examiner disagrees, it is incumbent upon the Examiner to provide express explanation as to how the claimed subject matter is present. Applicants contend that the reference is deficient and the final rejections must all be withdrawn. That is, deficiencies similar to those noted for claim 7 exist for all of the rejections.

It is respectfully submitted that none of the art of record so much as suggests the claimed combination of features. All of the claims 7, 11 and 15, and the claims which depend therefrom, define subject matter that is distinct and not obvious over the prior art. Allowance of the application is required.

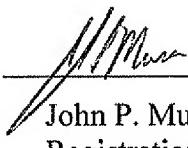
(please proceed to the next page)

Conclusion

For all of these reasons, the claims are patentable and the application should be passed to issuance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/21/08

By: 
John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830